

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

v.

HOMERO REY CANTU, JR.

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C.R. NO. C-07-382-S(1)

ORDER OF DETENTION PENDING TRIAL

On November 9, 2007, a detention hearing was held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a term of imprisonment ranges between ten years and life in prison pursuant to 21 U.S.C. § 841(b)(1)(A).

(2) There is probable cause to believe the defendant committed an offense for which a term of imprisonment ranges between five years and forty years pursuant to 21 U.S.C. § 841(b)(1)(B).

(3) Defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the safety of the community.

The evidence against defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Reports and Government Exhibits 1-3 as well as the testimony by Norma Cantu, Torribio Cantu, and Homero Cantu, Sr. are adopted.¹ Defendant

¹ Judicial notice was also taken of the docket sheet of a case from the Laredo Division of the Southern District of Texas in which the charges against defendant were dismissed.

had a prior conviction for aggravated assault with a deadly weapon and possession with intent to deliver cocaine. He also had arrests for assault on a public servant and escape from custody.

Additionally, although defendant's family members were well-meaning, they were not credible. None of them were able to explain defendant's financial situation, including their partnership with him concerning hunting leases on the family ranch. Defendant indicated to Pretrial Services that he made \$28,000 in 2006, but this information is contradicted by his 2006 tax return. Gov't Ex. 3. Defendant bought a home in Corpus Christi in 2002 despite the fact that he had no income between 2001 and 2005.

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on a request of an attorney for the Government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 9th day of November 2007.



BRIAN L. OWSLEY
UNITED STATES MAGISTRATE JUDGE